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FM AMEMBASSY JAKARTA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 6731

INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY

RUEHBY/AMEMBASSY CANBERRA PRIORITY 1403

RUEHWL/AMEMBASSY WELLINGTON PRIORITY 1904

RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY

RHHJJPI/USPACOM HONOLULU HI PRIORITY

RHMCSUU/FBI WASHINGTON DC PRIORITY

RUEKJCS/SECDEF WASHDC PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L JAKARTA 002939

SIPDIS

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DEPT FOR EAP, EAP/MTS, S/CT, INL FOR BOULDIN
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC
NSC FOR EPHU

E.O. 12958: DECL: 10/19/2017

TAGS: PGOV KJUS ASEC CASC PTER ID

SUBJECT: GOI TO BALI BOMBERS -- MAKE CLEMENCY REQUEST OR
FACE CONSEQUENCES

REF: A. JAKARTA 2613

1B. JAKARTA 2497

1C. JAKARTA 2376

1D. JAKARTA 827

Classified By: Pol/C Joseph Legend Novak, reasons 1.4(b)(d).

11. (C) SUMMARY -- The Indonesian Attorney General has given the three convicted Bali Bombers one month to request clemency from the President. If they don't--and the three have repeatedly said they won't, they face execution. If they make the clemency request, the process could drag on for some time. The AG's deadline is the clearest indication so far that the GOI intends to carry out the executions. END SUMMARY.

12. (SBU) AN ULTIMATUM -- In an October 18 public statement, AG Supandji gave the three convicted Bali bombers--Amrozi bin Nurhasyim, Imam Samudra and Ali Gufron alias "Muklas"--one month to submit a request for clemency to President Yudhoyono. Supandji made clear that if no request was submitted during that timeframe, the AGO would proceed with the executions. He gave no indication that the Indonesian government would look favorably on any such applications if such were made.

13. (U) Background: A Bali district court sentenced the three men to death in 2005 for their roles in the October 2002 attacks, which killed 202 and maimed dozens. The convictions were upheld twice on appeal, and--in September--the Supreme Court denied the bombers' request for further Judicial Review, effectively exhausting their legal remedies (ref B), short of a clemency application.

14. (C) ZERO REMORSE -- The three terrorists--all of whom are members of the Jemaah Islamiyah terrorist organization--have never retracted their original confessions and have never shown any remorse whatsoever for carrying out the bombings. They have also repeatedly stated in strident manner that they would not request clemency. The three issued a bloodthirsty "final" statement in September stating that their executions would make them "martyrs" and an example to other Muslims

(ref A). According to a source at the AG's office, a request for clemency--at this point--would be a self-admission that the men had erred and thus a betrayal of their violent, fanatical ideology. Indonesian law, however, also allows family members to request clemency on behalf of relatives, which might be a way for the terrorists to drag the whole process out some more.

¶5. (C) END-GAME? -- The AG's statement is the clearest sign yet that the GOI intends to move forward with the executions.

It is still possible that a clemency request, perhaps from a family member, will be made, requiring a decision from the President's office. However, given the lack of public sympathy for the unrepentant terrorists, it seems unlikely that the Palace would grant such a request should one be made. At this point, the GOI seems to want to seem firm, signaling to local extremists and the international community that its resolve is strong.

HUME